

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

SAMUEL JEFFERSON, )  
                        )  
Plaintiff,            )  
                        )         **No. 3:10-cv-0754**  
v.                    )  
                        )  
**FERRER, POIROT &**    )  
**WANSBROUGH, et al.,**    )  
                        )  
Defendants.          )

**ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that Plaintiff’s *Motion for Summary Judgment or Alternatively Motion for Non Jury [sic] Trial with References to Evidences of Record* (Docket Entry No. 237) be denied without prejudice. The R & R provides, in part,

Plaintiff Jefferson’s motion for summary judgment is not supported as required by the local rules.

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Significantly, Plaintiff Jefferson’s motion is not accompanied by a concise statement of facts about which he contends there is no dispute, set forth in separate numbered paragraphs and cited to the record in this case. The undersigned Magistrate Judge therefore finds that Plaintiff’s motion for summary judgment should be denied without prejudice for his failure to comply with local rules governing the filing of motions for summary judgment.

(Docket Entry No. 296). No objections were made to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the

record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 296) is hereby ACCEPTED and APPROVED; and
- (2) Plaintiff's *Motion for Summary Judgment or Alternatively Motion for Non Jury [sic] Trial with References to Evidences of Record* (Docket Entry No. 237) is hereby DENIED without prejudice.

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

**It is SO ORDERED.**

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE